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2
3 **BEFORE THE FEDERAL ELECTION COMMISSION**

4 In the Matter of)
5) MUR 4974
6 Friends of Tiberi and)
7 William L. Curlis, as treasurer)
8 Tiberi for Congress and)
9 Jeffrey T. Benton, as treasurer)
10

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11 **CONCILIATION AGREEMENT**

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13 This matter was initiated by a signed, sworn, and notarized complaint by Jonathan Poe.

14 The Federal Election Commission ("Commission") found reason to believe that Friends of Tiberi
15 and William L. Curlis, as treasurer, violated 2 U.S.C. §§ 441f, 433, and 434, and 11 C.F.R.
16 § 110.3(d), and that Tiberi for Congress and Jeffrey T. Benton, as treasurer (collectively
17 "Respondents"), violated 2 U.S.C. §§ 441f and 434(b), and 11 C.F.R. § 110.3(d).

18 NOW, THEREFORE, the Commission and the Respondents, having participated in
19 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree
20 as follows:

21 I. The Commission has jurisdiction over the Respondents and the subject matter of
22 this proceeding, and this agreement has the effect of an agreement entered pursuant to
23 2 U.S.C. § 437g(a)(4)(A)(i).

24 II. Respondents have had a reasonable opportunity to demonstrate that no action
25 should be taken in these matters.

26 III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:¹

1. Friends of Tiberi is a state candidate committee within the meaning of Ohio law.

2. William L. Curlis is the treasurer of Friends of Tiberi.

3. Tiberi for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).

4. Jeffrey T. Benton is the present treasurer of Tiberi for Congress. He was not the treasurer at the time the violations occurred.

5. A contribution includes a gift, loan, advance, deposit of money, or anything of value. 2 U.S.C. § 431(8)(A)(i).

6. The Act states that each report filed by a political committee shall disclose the identification of each political committee that makes a contribution to the reporting committee. 2 U.S.C. § 434(b).

7. Transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited. 11 C.F.R. § 110.3(d).

8. All political committees shall file a statement of organization within ten days after becoming a political committee within the meaning of section 431(4). 2 U.S.C. § 433.

¹ All of the facts recounted in this agreement occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended (the "Act"), herein are to the Act as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA. All statements of the law in this agreement that are written in the present tense shall be construed to be in either the present or the past tense, as necessary, depending on whether the statement would be modified by the impact of BCRA or the regulations thereunder.

1 9. The Act states that all political committee shall file disclosure reports as
2 required by 2 U.S.C. § 434.

3 10. On June 22, 1999, Friends of Tiberi made a direct \$1,000 contribution to
4 Tiberi for Congress in violation of 11 C.F.R. § 110.3(d).

5 11. On July 22, 1999, Friends of Tiberi made a payment totaling \$922.59 to
6 Fairfield Promotions, which was for expenses incurred on behalf of Tiberi for Congress.

7 12. During 1999 Friends of Tiberi made federal expenditures in excess of \$6,000.

8 13. Respondents contend that the violations described herein were not knowing
9 and willful.

10 V. The following violations of the Act occurred:

11 1. Friends of Tiberi and William L. Curlis, as treasurer, violated 11 C.F.R.
12 § 110.3(d) by making \$1,922.59 in prohibited contributions to Tiberi for Congress. Friends of
13 Tiberi and William L. Curlis, as treasurer, will cease and desist from violating 11 C.F.R.
14 § 110.3(d).

15 2. Tiberi for Congress violated 11 C.F.R. § 110.3(d) by accepting \$1,922.59 in
16 prohibited contributions from Friends of Tiberi. Tiberi for Congress will cease and desist from
17 violating 11 C.F.R. § 110.3(d).

18 3. Friends of Tiberi and William L. Curlis, as treasurer, did not register with the
19 Commission as a political committee in violation of 2 U.S.C. § 433. Friends of Tiberi and
20 William L. Curlis, as treasurer, will cease and desist from violating 2 U.S.C. § 433.

21 4. Friends of Tiberi and William L. Curlis, as treasurer, did not file periodic
22 disclosure reports with the Commission in violation of 2 U.S.C. § 434. Friends of Tiberi and
23 William L. Curlis, as treasurer, will cease and desist from violating 2 U.S.C. § 434.

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5. Tiberi for Congress failed to report a \$922.59 contribution received from Friends of Tiberi in violation of 2 U.S.C. § 434(b). Tiberi for Congress will cease and desist from violating 2 U.S.C. § 434(b).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Nine Hundred Dollars (\$1,900), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Friends of Tiberi and William L. Curlis, as treasurer, will register and file disclosure reports accordingly with the Commission.

3. Tiberi for Congress and Jeffrey T. Benton, as treasurer, will amend their reports accordingly.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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1 oral, made by either party or by agents of either party, that is not contained in this written
2 Agreement shall be enforceable.

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4 FOR THE COMMISSION:

5 Lawrence H. Norton
6 General Counsel

7 By: Rhonda J. Vosdingh
8 Rhonda J. Vosdingh
9 Associate General Counsel
10 for Enforcement

5/16/23
Date

11 FOR THE RESPONDENTS:

12 By: E. Mark Braden
13 E. Mark Braden
14 Counsel
15 Baker & Hostetler LLP

4/25/03
Date

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